



An
Bord
Pleanála

Inspector's Report ABP-302675-18.

Development	House extension to 9 Cabinteely Way, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D18B/0313.
Applicant(s)	Julie Cao.
Type of Application	Permission.
Planning Authority Decision	Grant Permission subject to conditions.
Appellant(s)	Pat and Elizabeth O'Daly.
Type of Appeal	Third Party.
Observer(s)	None.
Date of Site Inspection	24 November 2018.
Inspector	Stephen Rhys Thomas.

1.0 Site Location and Description

1.1. The appeal site with a stated area of 0.0246 hectares is located within the existing housing development of Cabinteely Way. Cabinteely Way is located to the south of Dun Laoghaire, south east of Cabinteely and on the northern side of the N11 (Stillorgan dual carriageway). The site accommodates an existing two-storey semi-detached dwelling. The dwellings on the adjacent sites are all similar in design and type and all feature adjoining single-storey garages between each pair of semi-detached dwellings.

2.0 Proposed Development

2.1. Permission is sought for:

- A new ground floor extension to the side.
- A first floor extension to the side.
- New tiled roof to an existing flat roof extension to the front.
- New floor area amounts to 18.88 sqm.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to 4 conditions, all are standard and technical in nature.

3.2. Planning Authority Reports

3.2.1 Planning Report

The basis of the planning authority decision includes:

Presentation of the County Development Plan standards with regards to extensions. Identification of the area of the site and that the proposed extension is acceptable. The report includes an AA screening assessment that concludes no requirement for AA. There is no reference to a request for additional information and the recommendation was to grant permission subject to four conditions.

3.3. Other Technical Reports

3.3.1 Drainage Report – a standard condition regarding SuDS is recommended.

3.4. Third Party Observations

There were two third party observations. The main points of concern raised can be summarised as follows:

- The first floor extension will create a terrace effect.
- Party wall concerns during construction, if permitted.
- Insufficient detail of weatherproofing between party boundary.
- Applicant has not sought permission to enter onto property for construction purposes.
- No construction timeline presented.

4.0 Planning History

4.1. Subject site

None.

4.2. Wider area

Planning authority reference D10B/0064 and ABP reference PL06D.236649.

Permission refused for an extension to dwelling, 22 Cabinteely Way, Dublin 18.

1. Having regard to the pattern of development in the area, to the form and design of the proposed extension, and its position forward of the established front building line at first floor level, it is considered that the proposed development would be out of character and incongruous with this group of semi-detached houses, and would detract from the amenities of and depreciate the value of neighbouring property. The proposed extension would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

5.1.1 Dun Laoghaire-Rathdown County Development Plan 2016-2022

The site is subject to Land Use Zoning objective 'A' To protect and/or improve residential amenity.

Relevant policies and objectives:

Section 8.2.3.4 Additional Accommodation in Existing Built-up Areas

(i) Extensions to Dwellings

Ground Floor rear extensions will be considered in terms of their length, height, proximity to mutual boundaries and quantum of usable rear private open space remaining.

Side extensions will be evaluated against proximity to boundaries, size and visual harmony with existing (especially front elevation), and impacts on residential amenity. First floor side extensions built over existing structures and matching existing dwelling design and height will generally be acceptable, though in certain cases a set-back of an extension's front façade and its roof profile and ridge may be

sought to protect amenities, integrate into the streetscape and avoid a ‘terracing’ effect. External finishes shall normally be in harmony with existing.

5.2. Natural Heritage Designations

None relevant to this suburban site.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The appellant raises concern with the first floor element of the proposed development and fears that if constructed and a similar extension permitted and constructed at 8 Cabinteely Way, then the development will present a terrace effect. There are no terraced houses in the area. Such a proposal would lead to visual obtrusion and be out of character with existing development.
- The appellant notes a similar type of development (pa reference D10B/0064 refers), that was refused on the basis that it would lead to the creation of a terracing effect. The application was appealed to the Board and the decision to refuse was upheld, ABP reference PL06D.236649 refers. In addition, another decision of the Board is referenced with regard to terracing effect in the area, PL06D.236526 refers.

The objector references their original submission to the planning authority and reiterates their objection to the first floor element of the proposal.

6.2. Planning Authority Response

The Planning Authority has no further comment.

6.3. Applicant’s Response

The applicant counters the appellant's grounds of appeal by disagreeing that the proposed development would result in a terracing effect and would have an adverse impact upon the adjoining dwelling. It is not fair to compare the proposed development to previous refusals in the area.

7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Visual Amenity.
- Appropriate Assessment.

7.2. Visual Amenity

7.3. The appellant is concerned that the first floor level of the proposed development will result in the creation of a terracing effect. Such an effect, it is argued, is an alien form of development in contrast to the design concept for the original development scheme, open plan garden estate comprising semi-detached houses. I note that the current County Development Plan highlights the impact of terracing on visual amenity and suggests avoidance in some cases by a partial set back of the front façade, roof profile and roof ridge.

7.4. In this instance, the proposed development would not result in the creation of a terraced effect as the adjoining dwelling to the north west (no. 8) has not been extended above the garage. Consequently, there would be a sizeable and visible gap between the two properties. A terraced effect could be created if the owner of no. 8 extends their dwelling in a similar manner which would be their choice to do so and the subject of a planning application. The question arises as to the severity of the impact of the proposed development on the visual amenities of the area. In addition, a balance should be met in allowing the appropriate adaptation of dwellings

whilst ensuring visual amenity is preserved. Finally, a value should be placed on the importance of a streetscape at this location and what controls are in place for its maintenance. In this respect, I find that the existing form of development in the area has the capacity to absorb a great variety of extension design. None of the dwellings in the area are listed on the Record of Protected Structures and the area is not an Architectural Conservation Area. I am satisfied that the proposed development is of a scale and design that is appropriate to the area. In my mind, the creation of a terracing effect would not result from this proposal alone and in any case I do not anticipate that such an effect would necessarily upset the visual amenities of the area, such as they are.

- 7.5. With regard to residential amenities, the proposed extension conforms generally to the pattern of development in terms of its building line and height. The extension also conforms to the main orientation of windows in the existing dwelling and adjoining properties with windows only in the front and rear elevation. I am satisfied based on these facts that the proposed extension would not impinge unduly on the residential amenities of the adjoining properties either through overlooking or overshadowing.
- 7.6. Finally, I would reiterate that the proposed extension conforms generally to the pattern of development in terms of its building line and height. The proposed extension is also designed to blend in with the existing dwelling in terms of its external finishes and roof profile. I am satisfied that the proposed development would have no adverse impact on the visual amenities of the area. Regarding infilling the area above the garages of each dwelling, subject to a design that is in keeping with the scale and character of the each dwelling at this location, I do not foresee any issue of major concern. As stated earlier this requires the property owners on both sides to carry out development and that those who do not wish to be linked to the adjoining dwelling at first floor level have the choice whether to pursue such a development proposal or not. I do not consider that such proposals would have an adverse impact on the overall visual character of the area, bearing in mind the height and design of existing dwellings, which is the case with the extension proposed.

7.7. Appropriate Assessment.

7.8. Having regard to the nature and scale of the proposed development and nature of the receiving environment, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend that permission should be granted, subject to conditions as set out below.

9.0 REASONS AND CONSIDERATIONS

Having regard to the nature, extent and design of the development proposed, to the general character and pattern of development in the area and to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of property in the vicinity and would not be out of character with the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

3. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

4. The external finishes of the proposed extension shall be the same as those of the existing dwelling in respect of colour and texture.

Reason: In the interest of visual amenity.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any

applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Stephen Rhys Thomas
Planning Inspector

26 November 2018